

## Before the Presiding Judges of the Administrative Judicial Regions

### Per Curiam Rule 12 Decision

**APPEAL NO.:** 13-008

**RESPONDENT:** Tarrant County District and Statutory County Court Judges  
Trying Criminal Cases Board

**DATE:** December 19, 2013

**SPECIAL COMMITTEE:** Judge Stephen B. Ables, Chairman; Judge Mary Murphy; Judge  
Olen Underwood; Judge David Peebles; Judge Kelly G. Moore

Petitioner requested from Respondent copies of documents regarding the termination of a Tarrant County magistrate and documents regarding complaints in procedure or questions regarding the magistrate's actions or comments to members of the public, his staff or colleagues.

Respondent denied the request claiming the responsive documents are exempt from disclosure under Rules 12.5(c), (i) and (k). In its response to Petitioner's appeal, Respondent submitted copies of the responsive records for this committee's *in camera* inspection.

We have reviewed the submitted records and find that they relate to the investigation of the magistrate's character and conduct. Rule 12.5(k) exempts from disclosure any record relating to an investigation of a person's character or conduct unless the record is requested by the person being investigated and the release of the record, in the judgment of the records custodian, would not impair the investigation. Since Petitioner is not the person being investigated, Rule 12.5(k) applies and the requested records are exempt from disclosure.

Having found that the responsive records are exempt from disclosure under Rule 12.5(k), we need not address the other exemptions raised by Respondent. The appeal is denied.